

**BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.**

Application of	)	
	)	
	)	
VOLGA-DNEPR AIRLINES LLC	)	
	)	Docket OST-2021-
for an emergency exemption pursuant to	)	
49 U.S.C. § 40109(g)	)	
	)	
	)	
West Palm Beach, FL or Ft. Lauderdale FL –	)	
Everett, WA	)	
	)	

**APPLICATION OF  
VOLGA-DNEPR AIRLINES LLC  
FOR AN EMERGENCY EXEMPTION**

Communication with respect to this document should be addressed to:

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(832) 791 8371

**DATED: September 15, 2021**

**NOTICE: THIS APPLICATION IS FILED PURSUANT TO THE EMERGENCY EXEMPTION PROCEDURES OF 14 C.F.R. § 302.410, WHICH AUTHORIZE THE DEPARTMENT TO ACT ON EMERGENCY EXEMPTIONS IMMEDIATELY. ANY PERSON INTERESTED IN FILING AN ANSWER IS REQUESTED TO DO SO IN THE ABOVE DOCKET IMMEDIATELY. COPIES OF THE SUBMISSION SHOULD BE SERVED ON THE PERSONS LISTED ABOVE AND ON THE ATTACHED SERVICE LIST.**

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**APPLICATION OF  
VOLGA-DNEPR AIRLINES LLC  
FOR AN EMERGENCY EXEMPTION**

Volga-Dnepr Airlines LLC (“Volga-Dnepr Airlines” or "Volga-Dnepr") respectfully requests an emergency exemption from the provisions of 49 U.S.C. §§ 40109(g) and 41703(c), and otherwise applicable provisions of the Department of Transportation (“DOT”) regulations, so as to permit Volga-Dnepr to operate one (1) one-way cargo charter flight, utilizing Volga-Dnepr’s AN-124-100 aircraft to transport cargo from West Palm Beach, Florida or Fort Lauderdale, FL , to Everett, Washington, on around October 1- October 5, on behalf of Boeing Commercial Aircraft.

The outsized cargo to be transported by Volga-Dnepr consists of a B767 horizontal stabilizer (L-445" x W-94" x H-155"), weighing approx. 11,858 pounds. As described, the payload is outsized and cannot be accommodated by domestic commercial carrier aircraft.

In support of its application, Volga-Dnepr states as follows:

1. Volga-Dnepr is a foreign air carrier holding appropriate DOT authority to conduct all-cargo charter foreign air transportation between a point or points in Russia and a point or points in the United States, and all-cargo charter transportation between the United States and third countries pursuant to 14 C.F.R. Part 212.

2. Volga-Dnepr will operate the flight on behalf of Boeing Commercial Aircraft as part of an effort to provide urgently needed lift to leave West Palm Beach or Fort Lauderdale, FL not later than the set dates. Boeing Commercial Aircraft is shipping the aircraft parts to meet its deadlines and not to delay B767 production line, while only the use of Volga-Dnepr's outsized aircraft can make it possible to perform the services in question within the set schedule.

3. Due to the size of the cargo and the urgency of the shipment, Boeing Commercial Aircraft cannot use surface transportation to ship the cargo. An evaluation conducted by Boeing Commercial Aircraft eliminated all other conventional movement methods including over the road trucking and rail transportation as viable methods to meet current needs.

4. Given the tight schedules associated with the manufacturing of B767 aircraft, Volga-Dnepr must perform the operations not later than within the set dates. Volga-Dnepr is polling all U.S. certificated air carriers on the attached service list and will inform the Department of the results of that poll.

5. Under 49 U.S.C. § 40109(g), the Department may authorize a foreign air carrier to transport commercial traffic between U.S. points under limited circumstances. Specifically, the Department must find that the authority is required in the public interest; that because of an emergency created by unusual circumstances not arising in the normal course of business the traffic cannot be accommodated by U.S. carriers holding certificates under 49 U.S.C. § 41102; that all possible efforts have been made to accommodate the traffic on U.S. certificated air carriers; and that the exemption is necessary to avoid unreasonable hardship for the traffic. This application is consistent with the public interest and meets all of the relevant criteria under 49 U.S.C. § 40109(g) for the grant of an exemption.

6. Grant of this application is in the public interest because timely shipment of the Boeing's aircraft part is imperative to avoid substantial delay in B767 aircraft production line.

7. In this instance, an emergency created by unusual circumstances not arising in the normal course of business exists as a result of the size of the cargo, as well as the exigent circumstances surrounding the impossibility to use any other mode of transportation, and the lack of availability of U.S. commercial aircraft of the nature of the AN-124-100 operated by Volga-Dnepr Airlines. As a result, the best way to resolve this emergency is for the AN-124-100 aircraft to transport the equipment in question.

8. As previously stated, no U.S. carrier operates aircraft that are able to transport this cargo.

9. Grant of this exemption application is necessary to avoid unreasonable hardship for the traffic at issue.

10. Volga-Dnepr's fitness and ability to carry out the proposed transportation has been amply demonstrated through its conduct of number of cargo charter operations on behalf of Boeing in and out of the United States and throughout the world.

11. Grant of this application is consistent with Department precedent. Foreign air carriers have been granted emergency exemption authority to carry cargo between U.S. points when an emergency existed as a result of unusual circumstances not arising in the normal course of business. See, e.g., Orders 96-6-31, 96-4-29, 95-11-35, 95-2-35, 94-11-6 and 94-4-14, as well as Notices of Action Taken in dockets OST-04-17906, OST-07-26806, OST-07-27125, OST-07-28857, OST-08-0003, and OST-09-0041.

12. In light of the exigent circumstances, Volga-Dnepr requests expeditious processing and the immediate grant of this emergency exemption application. The Department's Procedural Regulations provide that the Department can act on an emergency exemption application immediately. Designated agent for Volga-Dnepr will promptly advise the Department of the responses of the interested U.S. carriers to the email poll regarding this application.

WHEREFORE, Volga-Dnepr respectfully requests that the Department issue an emergency exemption permitting it to operate one (1) one-way cargo charter flight, utilizing Volga-Dnepr's AN-124-100 aircraft, to transport cargo from West Palm Beach, Florida or Fort Lauderdale, FL to Everett, Washington, on or around October 1- October 5, 2021, as described herein, and grant such further relief as the Department deems to be consistent with the public interest.

Respectfully submitted,



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Jane Hamm

Designated agent for Volga-Dnepr Airlines  
(832) 791 8371

**Dated: September 15, 2021**

## **CERTIFICATE OF SERVICE**

I hereby certify that I have on this day served a copy of the foregoing document upon all persons named on the attached service list via electronic mail.

A handwritten signature in blue ink, appearing to read "Jane Hamm", is positioned above the printed name.

Jane Hamm

**Dated:        September 15, 2021**